

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 1624

In re

Patent Application of

David Edwin Thurston, et al.

Application No. 09/763,767

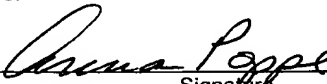
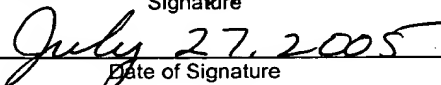
Confirmation No.: 6332

Filed: February 26, 2001

Examiner: Brenda Libby Coleman

"PYRROLOBENZODIAZEPINES"

I, Anna Poppe, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

  
\_\_\_\_\_  
Signature  
  
\_\_\_\_\_  
Date of Signature

**TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING REJECTION OVER  
PRIOR PATENT/APPLICATION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Spirogen Limited, located at 79 George Street, Ryde, Isle of Wight PO33 2JF, United Kingdom (hereinafter "Assignee"), by its undersigned attorney of record, represents that it is the owner of the entire interest in the above-identified application (hereinafter "the Application") by virtue of an assignment recorded February 26, 2001, at Reel 011724, Frames 0618. Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the Application, beyond the expiration date of the full statutory term of U.S. Patent Nos. 6,747,144 and 6,562,806 (hereinafter, "the Patents") and any patent granted on Application No. 10/379,049 (hereinafter "the copending Application"). Assignee hereby agrees that any patent granted on the Application shall be enforceable only for and during such period that the legal title of the patent granted on the Application should be the same as the legal title to the Patents and the copending Application. This agreement shall run with any patent granted on the Application and be binding upon the grantee, its successors or assigns. In making the above disclaimer, Assignee does not disclaim any

terminal part of the patent granted on the Application prior to the expiration date of the full statutory term of the Patents and copending Application, in the event that any of the Patents or the copending Application later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term.

The undersigned is empowered to act on behalf of Assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 7.27.05

By Wendy M. Seffrood  
Wendy M. Seffrood  
Reg. No. 52,205  
Attorney of Record

Attorney Docket No.: 065435-9002

Michael Best & Friedrich LLP  
One South Pinckney Street  
P. O. Box 1806  
Madison, WI 53701-1806

cc: Docketing

Q:\client\065435\9002\B0603585.1